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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,783	12/19/2001	Hugh L. Brunk	P0513	9584
23735	7590	05/20/2005	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			PATEL, SHEFALI D	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/027,783 ✓	Applicant(s) BRUNK ET AL.	
	Examiner Shefali D. Patel	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-16 and 41-65 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 and 44-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-43 and 48-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/13/03: 9/17/04, 9/29/04, 12-16-04  
4-15-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group VI in the reply filed on April 15, 2005 is acknowledged.
2. Claims 1-13 and 17-40 have been cancelled; claims 14-16, 41-65 are pending in this application.
3. Applicant's election of Group VI in the reply filed on April 15, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

NOTE: Applicant's argument on page 9 of the Remarks under section Election is not persuasive. There were no specific errors in the restriction/election mailed out on March 22, 2005. Group VI discloses data management method that links and image to a metadata in which the orientation of the image is being changed in order to provide metadata associated with the image. On the other hand, Group V has nothing to do with linking an image with the metadata. Method of Group V is recited in a single step in Group VI, which makes Group V and Group VI a distinct invention. Therefore, the restriction was made proper in the previous action.

Election with traverse is not persuasive; hence, Group VI is being examined.

### *Information Disclosure Statement*

4. The information disclosure statement (IDS) submitted on June 13, 2003, September 17, 2004, September 29, 2004, December 16, 2004, and April 15, 2005 is considered by the examiner.

### *Drawings*

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features recited in claims 41-43, 48-65 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 48-53 and 59-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 48, 51, 60, and 63 recites the limitations of "changing a geometric orientation of the data; determining attributes of the changed data; interrogating a network resource...to identify metadata..." This is supported by specification in a sense that the signature content can be "scaled, rotated, or translated." (See, specification page 8 paragraph 28 and page 11 paragraph 36). It is not clear from the specification how the method of linking an image to metadata contained in a network resource is obtained by changing the geometric orientation of the image and determining attributes of the changed image.

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What does changing the orientation and determining attributes of the image have to do anything with linking an image to metadata? The specification is not clear on this particular portion of the claimed invention. These features also need to be shown in drawings as discussed above.

Dependent claims 49-50, 52-53, 58-59, 61-62, and 64-65 are rejected for the same reasons.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Devanagondi et al. (hereinafter, “Devanagondi”) (US 6,611,524).

With regard to **claim 41** Devanagondi discloses a data management method (Figure 5) comprising: deriving a content signature to a content item (col. 8 lines 41-42); and providing the content signature to a database constructed as content addressable memory (CAM) (col. 8 lines 42-44); and obtaining data from the database associated with the content signature (col. 8 lines 44-52, col. 9 lines 24-35).

With regard to **claim 42** Devanagondi discloses the data comprising at least one of IP address (col. 8 lines 59-61).

With regard to **claim 43** Devanagondi discloses the database includes groups of sub-fingerprints, and the content signature is used interrogate the database to identify a related group of sub-fingerprints (col. 7 lines 26-47).

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10. Claims 54-55 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Gindele et al. (hereinafter, "Gindele") (US 6,785,421).

With regard to **claim 54** Gindele discloses a method of linking an image to metadata contained in a network resource comprising: receiving image data from a wireless device (Figure 2, col. 4 lines 9-10, 57-60); comparing inherent characteristics of the image data to a plurality of image records, wherein each image records includes at least image characteristics (col. 12 lines 7-41); upon a successful match with an image record, identifying metadata associated with at least one of the image record and image data (metadata (i.e., feature representation), col. 13 lines 22-31 and col. 17 lines 41-57); and providing identified metadata to the wireless device (this information is provided to a computer system which can be remotely located, col. 6 lines 64 to col. 7 lines 1-2).

With regard to **claim 55** Gindele discloses metadata being an image, col. 17 lines 41-57.

With regard to **claim 57** Gindele discloses wireless device, which could be a telephone at col. 3 lines 41-50.

### *Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 48-53 and 58-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby et al. (hereinafter, "Crosby") (US 6,870,547) in view of Cox et al. (hereinafter, "Cox") (US 5,930,369).

With regard to **claim 48** Crosby discloses a method of linking an image to metadata contained in a network resource (Figures 1-2), said method comprising: receiving data corresponding to an image (image at col. 5 lines 3-9), changing a geometric orientation of the data (changing the image data with the edit list at col. 5 lines 16-24, and at col. 9 lines 13-26); determining attributes of the changed data (col. 12

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lines 62-67); interrogating a network resource with at least a sub-set of the attributes to identify metadata associated with the image (col. 5 lines 48-62 and col. 9 lines 46-50); and providing metadata associated with the image (appropriate edit list is known about the image data so the metadata associated data is known as well). Crosby discloses edit list to change the image data, however, Crosby does not expressly disclose changing a *geometric orientation* of the data. Cox discloses this at element 18, Figure 1, col. 8 line 11, lines 33-47. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Cox with Crosby. The motivation for doing so is to have a watermarking method be resilient to any distortions introduced by transmission or compression algorithms as suggested by Cox. Therefore, it would have been obvious to combine Crosby with Cox to obtain the invention as specified in claim 48.

With regard to **claim 49** Cox discloses data comprising image or audio at col. 8 lines 8-9.

With regard to **claim 50** Cox discloses geometric orientation of the data comprising at least one of scaling, rotating, and translating at col. 8 lines 35-37.

**Claim 51** recites identical features as claim 48. Thus, arguments similar to that presented above for claim 48 is equally applicable to claim 51.

**Claim 52** recites identical features as claim 50. Thus, arguments similar to that presented above for claim 50 is equally applicable to claim 52.

**Claim 53** recites identical features as claim 49. Thus, arguments similar to that presented above for claim 49 is equally applicable to claim 53.

With regard to **claims 58-59** Both Crosby and Cox discloses orientation embedded in the image at col. 9 lines 6-12 (Crosby) and Figure 7 (Cox).

**Claim 60** recites identical features as claim 48. Thus, arguments similar to that presented above for claim 48 is equally applicable to claim 60. Note, media is an image and/or audio data in the Crosby and Cox reference.

**Claim 61** recites identical features as claim 58. Thus, arguments similar to that presented above for claim 58 is equally applicable to claim 61.

**Claim 62** recites identical features as claim 49. Thus, arguments similar to that presented above for claim 49 is equally applicable to claim 62.

**Claim 63** recites identical features as claim 51. Thus, arguments similar to that presented above for claim 51 is equally applicable to claim 63.

**Claim 64** recites identical features as claim 61. Thus, arguments similar to that presented above for claim 61 is equally applicable to claim 64.

**Claim 65** recites identical features as claim 62. Thus, arguments similar to that presented above for claim 62 is equally applicable to claim 65.

13. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gindele in view of Cox.

With regard to **claim 56** Gindele discloses the method of comparing step as disclosed above in claim 54 and the arguments are not repeated herein, but are incorporated by reference. Gindele does not expressly disclose changing a geometric orientation of the image data Cox discloses this at element 18, Figure 1, col. 8 line 11, lines 33-47. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Cox with Gindele. The motivation for doing so is to have a watermarking method be resilient to any distortions introduced by transmission or compression algorithms as suggested by Cox. Therefore, it would have been obvious to combine Gindele with Cox to obtain the invention as specified in claim 56.

#### *Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel  
Examiner  
Art Unit 2621

May 13, 2005

  
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